Ombudsman
SASKATCHEWAN

Annual Report 2007

WHAT WE ARE

Fair
Independent
Impartial

WHAT WE DO

Negotiate
Investigate
Mediate

HAS GOVERNMENT BEEN FAIR?

Ombudsman
SASKATCHEWAN

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April 2008

The Honourable Don Toth
Speaker of the Legislative Assembly
Province of Saskatchewan
Legislative Building
Regina, Saskatchewan

Dear Mr. Speaker:

In accordance with Section 30 of *The Ombudsman and Children's Advocate Act*, it is my privilege and duty to submit to you the thirty-fifth annual report of Ombudsman Saskatchewan for the year 2007.

Respectfully submitted,

Kevin Fenwick

Kevin Fenwick
OMBUDSMAN

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Observations

Kevin Fenwick Q.C.
Saskatchewan Ombudsman

It is my honour and privilege to present this 35th annual report of Ombudsman Saskatchewan. This report will provide some reflection on the past year and a look ahead to 2008.

What We Do

An Ombudsman has many roles. Generally speaking, we act to ensure that government treats individuals and groups fairly. Government includes provincial government ministries, boards, commissions, Crown corporations, and other agencies.

We do this in a number of ways. We ensure that government acts in a lawful and reasonable manner, procedurally and substantively. We ensure that promises and past practice are respected. We ensure that government is courteous, timely, clear, direct, and respectful in its communication with its citizens.

We determine whether administrative decisions of government and its agencies are "fair." We use the word "fair" to encompass the various reasons for review described in our empowering legislation, *The Ombudsman and Children's Advocate Act*, including that the decisions of government are not contrary to law, unreasonable, unjust, oppressive, improperly discriminatory, based on a mistake of law or a mistake of fact, or wrong.

There are different kinds of fairness and the Ombudsman acts to protect all of them.

When they come to our office, citizens often complain — at least initially — about "substantive fairness," the meat and potatoes kinds of things like whether they should have received a government grant, contract, or benefit. Some describe our role for these types of complaints as determining whether the citizen has been treated fairly according to law. When we look at these "substantive" complaints we ask questions like these:

- Did government have the legal authority to make the decision?
- Was the decision based on relevant information?
- Was the decision-maker unbiased?
- Was the decision wrong in fact?

Often the complaints that come to us are not so much about the decision itself, but about how the decision was made. It is not enough that government makes good decisions; the decisions must be made in the right way. We call this "procedural fairness." If the process that is used to make a decision is flawed, it is unlikely that the citizen will be satisfied with the decision itself. When looking at issues of procedural fairness, we ask questions like these:

- Was the citizen given sufficient information to know what was required?
- Was the citizen given an appropriate forum to present his or her views?
- Did government take the time to listen?
- Did government provide reasons for its decisions?
- Was the decision delivered within a reasonable time?

Most people have ongoing relationships with their government. Whether they are recipients of social services or Workers' Compensation benefits, purchasers of insurance or utility services from a Crown corporation, or contractors building highways, most of the citizens who come to us with complaints will continue to interact with government in the future. It is also important, therefore, that the citizen and government treat each other with respect. We call this aspect of fairness "relationship fairness." When examining issues of relationship fairness, we ask questions like these:

- Was government approachable?
- Was confidentiality respected?
- Was the government agency honest and forthright?
- Was an apology offered if a mistake was made?

Primary Roles

The Ombudsman and Children's Advocate Act sets out three primary roles for the office of the Ombudsman:

- ***We Respond to Public Complaints***

We believe that every person who brings a complaint to Ombudsman Saskatchewan deserves to have the

complaint dealt with appropriately, not just with respect to the decision of government complained about, but also with respect to the method of service provided by our office. On a case-by-case basis we assess what is the most appropriate method to deal with the complaint from the public.

Sometimes we formally investigate the complaint. We interview the complainant and others who can provide useful information. We will review the government's file. We may require an independent assessment from a neutral expert.

Sometimes it is most effective for us to facilitate communication between the citizen and the government ministry or agency. We may mediate, conciliate or try some "shuttle diplomacy" in order to facilitate that communication.

Often, we can be most effective by working with the citizens to equip them with skills and tools to better negotiate on their own behalf. It is almost always better for the citizen and government to work out a solution they can both live with than have a solution imposed by the Ombudsman. The Ombudsman is intended to be a last resort after other alternatives have failed.

Overview of Office Services

Three Primary Roles

- Respond to public complaints.
- Conduct "own motion" investigations.
- Educate the public about what we do.

Appropriate Case Resolution

For us, appropriate case resolution means that every case we take is dealt with in the manner we deem appropriate for that situation. If you bring a complaint to our office, we may use any or all of these options:

- Coaching
- Negotiation/Conciliation
- Facilitated Communication
- Investigation
- Mediation

The Ombudsman is neither a defender of government nor simply an advocate for the wishes of the citizen. Being treated fairly does not necessarily mean getting what one wants. The impartial and independent review conducted by the Ombudsman will determine what is fair. The Ombudsman then becomes an advocate for that fair outcome.

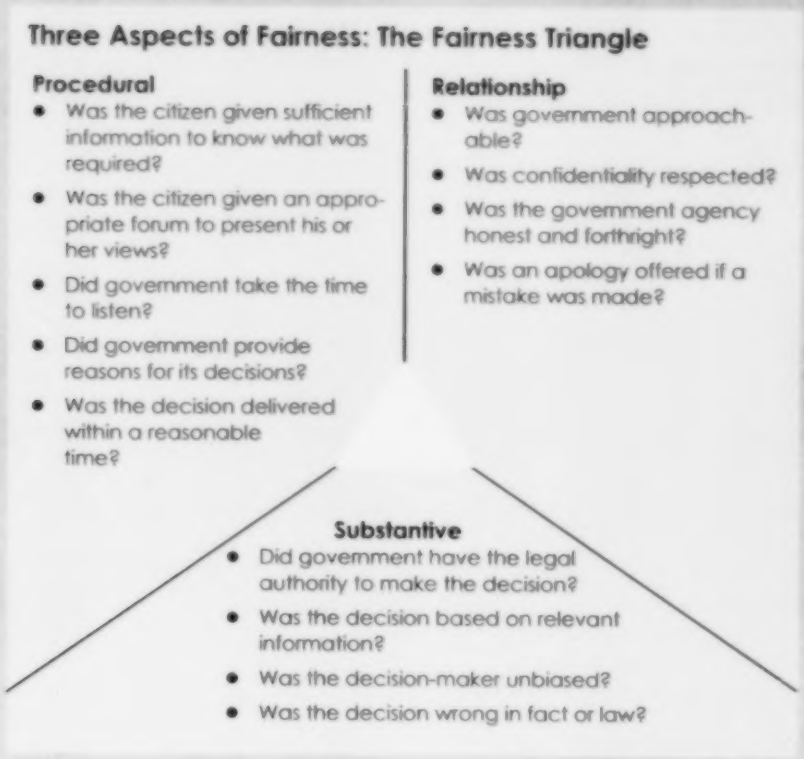
The determination of what is fair for a particular citizen means taking an objective view of the decision complained about and also the particular circumstances and general context for that complainant. We look at the broader perspective. It is often necessary to find the balance between the needs of the individual citizen and the needs of society as a whole. Generally speaking, people should be treated equitably and relatively equally. Absolute equality, however, does not always result in equity.

The Ombudsman is not just one more level of appeal. It is not the role of the Ombudsman to review every complaint and substitute his opinion for that of the government decision-maker. For the Ombudsman to make a recommendation, the decision of government must be clearly wrong or unfair. Just because the Ombudsman might have come to a different decision does not mean that the government's decision was wrong, unreasonable, or unfair.

- ***We Conduct "Own Motion" Investigations***

On his own initiative, that is, without a specific complaint from a member of the public, the Ombudsman may review, investigate, and where appropriate, recommend corrective action respecting matters that he believes warrant investigation or are of public interest. These may be major investigations or systemic problems.

Committees of the Legislative Assembly or Cabinet may also refer matters to the Ombudsman for an independent review.


Three Aspects of Fairness: The Fairness Triangle
Procedural
Was the citizen given sufficient information to know what was required?
Was the citizen given an appropriate forum to present his or her views?
Did government take the time to listen?
Did government provide reasons for its decisions?
Was the decision delivered within a reasonable time?
Relationship
Was government approachable?
Was confidentiality respected?
Was the government agency honest and forthright?
Was an apology offered if a mistake was made?
Substantive
Did government have the legal authority to make the decision?
Was the decision based on relevant information?
Was the decision-maker unbiased?
Was the decision wrong in fact or law?

- ***We Educate the Public about Fairness and the Role of the Ombudsman***

The Ombudsman and Children's Advocate Act also describes a public education function for the office. This function enables us to not only inform the public about the office and its role, but also about how to effectively deal with government. We believe this role includes the responsibility to work with government to improve its ability to respond to public complaints when they occur and, just as importantly, to deal with the public in a fair manner so that complaints do not occur. We respond to this part of our mandate in various ways. We make presentations to interested groups. We have greatly expanded our website and have included a section specifically designed for students and teachers. We also provide Fair Practice Workshops to government.

Looking Back at 2007

The "Numbers"

In 2007, Ombudsman Saskatchewan received 3,128 complaints. Of this total, 2,119 complaints were about matters that were initially determined to be within the jurisdiction of the Ombudsman and 1,009 were non-jurisdictional. The total is less than the three year average of 3,654. It would appear that the trend of steadily increasing numbers that we experienced in the early part of this decade has levelled off. The new trend toward slightly lower numbers is consistent with the experience of several other Ombudsman offices in Western Canada.

We are not unhappy with this trend. A decrease in the number of complaints received allows us to provide a more effective level of service that is consistent with the resources we have available. It also allows us to examine whether we can expand our level of service where we think it is needed but where the office is currently underutilized.

With respect to the complaints about matters that are outside our jurisdiction, we continue to provide a referral and "coaching" service to the public. We are not prepared simply to say, "Sorry, we can't help you with that problem." We are working, however, to educate both the public and other agencies about what is and what is not within our jurisdiction. We believe that the reduction in the numbers of out-of-jurisdiction complaints indicates that our efforts are having a positive effect.

We believe that the reduction in the number of complaints is due to several factors. We are working very hard to be proactive with government and to anticipate what issues might generate complaints and to deal with those issues before the complaints actually occur. We offer our service as a "fairness lens" for government at all times and especially when new programs are introduced. We deliver our Fair Practice Workshops when requested and offer them where we think they will be most helpful. We support and encourage the establishment of fair practices offices within government. We are actively working on more systemic investigations than we have in the past and have devoted more resources to those big-picture issues. On a daily basis, however, we have also asked all our staff to look at every complaint more systemically so that we can identify and respond to the significant issues beneath the surface of the complaints that are presented to us. Our hope is, that by addressing

those underlying issues and working toward more systemic change, we will not see the same kinds of complaints over and over again.

In summary, we believe that our efforts are paying dividends and that we can take some of the credit for the reduction in complaint numbers. We want to also give credit to the many government organizations who have adopted best practices and customer service models of program delivery. In addition, we recognize the effect of the healthy provincial economy on those numbers.

The specifics with respect to these statistics are found in the tables at the back of this report.

Our Approach

In 2006, Ombudsman Saskatchewan implemented a new computer system for case management and complaint tracking, and in 2007 we continued to enjoy the benefits of that conversion. We have moved away from the traditional "substantiated" or "not substantiated" dichotomy. That is a reactive model based on looking back in time, finding fault, and assigning blame.

Our current model attaches less importance to whether the government achieved a minimal level of "fairness," and more importance to whether the government could have done better. This is in keeping with best practices models that are being adopted by governments and the private sector around the world. We believe that if we examine government's action in response to a complaint, it is incumbent upon us to point out where government could have done better. We believe this to be so even if it cannot be said that the government's action was "wrong." We believe in promoting best practice for fair practice.

In 2007, we continued to deliver our Fair Practice Workshop for government. For many years, Ombudsman Saskatchewan has provided presentations to government departments and agencies about "what to do when the Ombudsman calls." The fair practice training is more about "what to do so the Ombudsman does not call." It is an in-depth workshop that addresses the concept of fairness and why government should care about it. It also provides tools to better equip government workers to deal fairly with the public. Without exception, the participants in these workshops have indicated to us that they believe the workshop will assist them in doing their jobs better.

Systemic Investigations

We completed a number of systemic investigations in 2007 and a summary of that work will appear later in this report. Worth noting here, however, is the *Hearing Back* report that was tabled in the Legislature in December 2007. What began as a review of the timeliness of decision-making in administrative tribunals from the time of the hearing until the rendering of the decision became much more than that. *Hearing Back* is a comprehensive review of best practices for administrative tribunals for most matters that affect the timeliness of their decision-making processes. The report has received favourable comments from many of Saskatchewan's tribunals and has been noted nationally and internationally.

The North

Several years ago, as part of a partnership with the Children's Advocate Office and the Saskatchewan Human Rights Commission, Ombudsman Saskatchewan participated in a series of northern dialogues called the Northern Exchange. The purpose of the Northern Exchange was to help the offices better understand the unique needs of northern Saskatchewan. In 2007, the three offices continued with the second phase of the Northern Exchange. The second phase was intended to update ourselves and learn more about northern issues, and also to specifically address the question of how we could better provide our services to the north. In 2007, we visited a number of northern communities to ask for advice on how we could better deliver our services in the north. We also hosted a two-day workshop in Buffalo Narrows for service providers and community members from several northwestern communities.

Internal Process Review

Internally in 2007, we undertook an examination of our own processes for handling files to determine if there are ways that we can provide more timely service. While the examinations we have conducted to date indicate that the vast majority of the complaints that come to our office are handled within a very short period of time, there are some files, particularly some of the larger investigation files, which take considerably longer. We were successful in 2007 in significantly reducing the backlog in our investigations and in reducing the average time it takes us to respond to complaints. We have more work to do as we strive to deliver the best service possible to the people of Saskatchewan and will continue to examine our own best practices in 2008.

Looking Ahead to 2008

We are looking forward to new challenges in 2008.

While recognizing that responding to individual complaints will continue to be the core of our business, we will continue to expand the systemic approach we take to complaint investigations. We will also be vigilant in looking for possible systemic investigations where we can provide an important and independent perspective about issues that may not come to us by way of direct complaints from the public. That will require us to find the resources for outside expertise and to build research capacity.

The two largest sources of complaints to our office are the Ministry of Social Services and the Ministry of Correc-

tions, Public Safety, and Policing. We will continue to work with those ministries in particular in a proactive manner to effect cultural change rather than just responding to individual complaints.

Of particular concern within the correctional system is the lack of programming services available for those individuals being held in custody on "remand" awaiting trial. In the men's provincial correctional centres, the majority of those in custody are on remand. In some of the centres it is a significant majority.

There are resource issues. The centres are significantly overcrowded. They were not designed for the size of the populations currently being housed there. The overcrowding exacerbates the programming issues because space that should be used to deliver programs is used routinely as dormitory space.

Those being held on remand are not serving sentences imposed by the Courts so cannot be required to enrol in programs, even if programs are available. That is somewhat of a moot point, however, because of the lack of resources available for programs. This is a very vulnerable and volatile population who are in great need of programs such as addictions counselling, anger management, and educational upgrading.

The result of the lack of available programming and the physical conditions of at least one of the centres is that double and sometimes triple time is credited by judges for those serving time on remand. A vicious circle results. Many of those who are most in need of programming are the least likely to get it. It is my belief that providing the resources necessary to ensure that appropriate programming is available to those serving time on remand is a wise investment that will provide significant long-term benefits. It will also remove the temptation for those who might be tempted to delay trials or guilty pleas to "take advantage" of the double or triple time credit that results.

The Ombudsman is intended to be an avenue of last resort. If there is an appeal mechanism within a Ministry or other government agency, the citizen is expected to complete any appeal processes before the Ombudsman will intervene. As a result, we often are asked to review the appeal processes that exist within government.

Although not present in all cases, I have noted in too many cases the tendency for the government's representatives at such appeals to adopt an adversarial approach, presenting mostly, and sometimes only, information that is supportive of the government's position. This can leave the citizen at a significant disadvantage. I believe that the adversarial model is not appropriate in these circumstances. Rather, an inquisitorial model should be adopted where the government's representative, as a representative of the Crown, puts before the tribunal all relevant information, whether it is supportive of the Government's position or that of the citizen.

My office will monitor this issue in 2008 and engage in discussions with government to determine whether a review is warranted.

There has been some public discussion in recent months about the provision of ombudsman services with respect to complaints about the health care system. Ombudsman Saskatchewan currently has jurisdiction over most of the health sector in Saskatchewan, including the Ministry of Health and the Regional Health Authorities, and we currently receive about 100 complaints annually about the health system. In response to the discussions about how ombudsman services can best be provided to users of the health system, we have conducted a review of various models of delivery and in 2008 will work with government to ensure that effective and efficient health ombudsman services continue to be available to the citizens of Saskatchewan.

Concluding Observations

I continue to believe that the higher standards of accountability demanded of government in the wake of events like the Enron scandal and thefts from various ministries within the Saskatchewan government are presenting new challenges for those responsible for delivering programs and services. While policies to ensure proper accountability are necessary, we must remember that those policies are designed to assist with the effective delivery of programs. We must also be mindful of the goals that those programs are designed to achieve. Government cannot be so strictly bound by the rules put in place for accountability that it loses sight of the overall program goals.

In some ways, the role of the Ombudsman is similar to that of the Courts of Equity in England several hundred years ago. The power of the Courts of Equity developed partly as a counterbalance to the harshness created by too strict an application of rules in the Law Courts. The Chancellor became the "keeper of the King's conscience," charged with protecting fairness and equity in the face of oppressive enforcement of rules. Sometimes we find ourselves saying to government "That may be correct, but it just isn't right." That is a legitimate comment for an Ombudsman to make.

Ombudsman Saskatchewan will continue to work diligently to ensure that there is balance between the need for accountability and the need to deliver effective service to those for whose benefit the programs were designed. As promoters and guardians of fairness, we continue to work to ensure that there is sufficient discretion and flexibility within the structure and application of rules and policies.

Complaints From Individuals

Overview: "That May be Correct, but it Isn't Right"

Every day, government makes decisions that affect people's lives, and when people believe the government's decision, process or relationship with them has been unfair, they contact us.

In some instances, we are able to contact the government ministry or agency and make a few inquiries that resolve the issue very quickly.

Other cases are more complex and may require an investigation to discover what happened and why. In many of these complaints, it may be substantive matters like money and property or procedural matters that are at issue.

In still other cases, a relationship element may be the main cause. There are many people who have an ongoing relationship with government and it may not be enough for us to make a determination about a single incident. It may be more appropriate to attempt to re-establish the person's relationship with government so that both sides will work together more appropriately and with greater understanding in the future.

Of course, relationship, procedural and substantive matters may be found mixed together in a complaint, and multiple approaches may be required. Each time, we aim to use the approach most appropriate for that case.

Whatever our approach, we often find that government may be trying to do a good job, but with undesirable results. What seems correct according to the policy manual may have an unfair result for an individual in a unique situation. One could well say, " That maybe correct, but it isn't right."

Of the case stories we present here, some are examples of files that are resolved quickly, some are examples of investigations, and some are examples of relationship-building — and most are examples of decisions that might have seemed correct, but simply were not right.

Note: We are using the old names of government departments, since this represents the names that were in place during our work on these cases. Individuals' names have been changed to respect confidentiality.

Hungry Mom Attending to Child in Hospital

Department of Community Resources, Income Assistance Division

Nadine's 10-year-old son was very ill and in the hospital. Prior to this, he had not been living at home and had been missing her. Now, he especially wanted her near and she spent every possible moment by his side, rarely leaving the hospital day or night.

In addition to Nadine's concerns for her son, she had no money left to buy food for herself. Not realizing that her son would become sick, she had spent her Social Assistance funds on some other items, such as a license and glasses. Her social worker had explained that they do not issue food vouchers for the hospital. Nadine called us.

We called the social worker and reviewed the situation with her. She did not realize how sick Nadine's son was or that Nadine had been staying overnight in the hospital. While the social worker was not able to issue a voucher for the hospital, she was able to issue Nadine a regular food voucher for $30. Upon looking more closely at Nadine's file, the worker also found that Nadine qualified for an additional disability benefit, for which she wasn't being paid. Now Nadine could focus on her son.

Travel to Cardiac Rehab

Department of Community Resources, Income Assistance Division

Melanie recently had a heart attack and her doctor wanted her to attend a cardiac rehab program twice a week for three weeks. Melanie did not have a vehicle and, since she was a Social Assistance recipient, Community Resources would normally expect her to take the bus. Melanie, however, was not well enough to ride the bus and her doctor agreed that she should take a taxi. Still, Melanie could not get approval for the taxi from Community Resources and had missed her first two rehab appointments. She called us.

We made some preliminary inquiries and contacted Community Resources and Melanie's doctor. The doctor had sent a letter to Community Resources about Melanie's condition and her requirements, but they did not think he had been clear about her transportation needs. The Client Representative for her health region also contacted Community Resources and helped them understand why Melanie needed the taxi. They decided to provide Melanie with cab fare so she could go to cardiac rehab.

Later, we found that a supervisor at Community Resources had provided approval earlier on for Melanie's cab fare. For some reason, however, there was either no knowledge of this approval or it was not being acted on until our office and the health region's Client Representative became involved.

The Cost of a Clerical Error
Department of Government Relations, Community Planning

Maurice decided to subdivide a piece of property. When he contacted a real estate agent to list the property, he found out that, according to the title, it was four acres. In reality, it was ten.

A survey of the property some years before measured it as 337 metres wide. When the survey documents were sent in, however, someone at Community Planning made an error and the property was recorded as 137 metres wide. When Maurice called them, they told him Land Titles had to make the change and when he called Land Titles, they told him Community Planning had to charge it. Then, he was told that he would have to get it surveyed again - a $5,000 expense. He did not think this was fair and called our office.

We contacted the Department and were given similar information until we spoke with the Registrar of Titles. Upon completion of some forms and agreement from his neighbor, the Department corrected the error and Maurice was able to sell his property without incurring the cost of another survey.

Accolades

It isn't always easy to do the right thing. It isn't always convenient to go the extra mile. But we want you to know that it is appreciated. You can hear the relief in the voices of people who find an unfairness reversed, an explanation provided, or someone who really listens.

Once again we extend our thanks — and our Accolades — to some of the government employees who made a difference in 2007.

Faith Myers
Manager, Tenant Relations, Regina Housing Authority
and
Sylvia Yasinowski
Section Supervisor, Collections, SaskPower
Our thanks to both of you for picking up a request late in the day for a mutual client who was caught between the rules of both organizations. You picked up this file after others had been unable to resolve it – and you resolved it!

Bev Huget
Supervisor, Employment and Income Assistance, Social Services (formerly Community Resources)
Thanks for taking the extra time and effort to meet personally with a complainant and her translator. You explained what sort of documents the Department needed from her and what the rules were. Then you reconsidered all her financial information and reassessed her for assistance. This helped create a better relationship between her and the Department.

Linda Wacker
Client Representative, Regina Qu'Appelle Health Region
Thank you for providing explanations and making arrangements so a client with travel-related health issues could have transportation to cardiac rehab.

Truck Damaged by Downed Power Line

SaskPower

Mike was helping his daughter move home from college when he drove over a downed power line. The line wrapped around his truck, damaging both sides, the headlights and the rims.

Mike took the truck to SGI and the damages were assessed at $9,000. He thought SaskPower should have to pay his deductible of $500. They disagreed. Mike thought this was unfair and called our office.

When we discussed the matter with SaskPower, they explained their reasoning. If they were negligent, they would pay; if not, they wouldn't. This is their policy. In this case, SaskPower believed that lightning may have damaged a conductor, causing the line to come down. This would not constitute negligence, so they refused to pay.

We agreed that SaskPower was not negligent, that their policy was reasonable, and that they should not pay for every incident of damage related to their services or equipment. We also recognized there are some risks that are reasonable for SaskPower customers to assume, such as unexplained power surges in the home. At the same time, there are instances where the damage that occurs could not have been reasonably anticipated. One does not reasonably expect to encounter a downed power line on the highway.

While SaskPower did nothing wrong, and their policy was fair, it did not result in a fair situation for Mike. We asked SaskPower to reconsider and do the right thing — even though it meant making an exception to the policy. They did, and accepted our recommendation to reimburse Mike the $500 deductible.

Dispute Over Grain Storage Costs

Saskatchewan Government Insurance (SGI)

Owen found that one of his grain bins had collapsed. He called SGI and filed a claim. Upon inspection, SGI found that his other grain bins were also on the verge of collapse. They recommended that he move his grain.

Owen asked his neighbour, Neil, if he could rent bin space. Neil talked to the adjuster at SGI and asked about putting a contract in place for the bin rental. The adjustor said, no, that wasn't necessary. Neil named the rate he intended to charge.

Owen stored his grain in Neil's bins. Later, when Owen came to remove the grain, his truck left deep ruts in Neil's yard and road. Neil had to bring in gravel to make repairs. He informed SGI and they paid for most of the gravel.

When the cheques started coming for the bin rental and other incidental services provided, they were far less than what Neil was asking. He went to the adjuster's Manager and complained. The Manager asked Neil if he had a contract and Neil said, no, that the adjuster told him he didn't need one. The Manager said he should have had a contract. Neil contacted our office.

SGI told us that they had researched their decision and did not think it should change. They had examined the costs of similar services across the province and found that the price Neil was asking was far above average. They believed the payout was fair and that any difference between what they paid and what Neil was asking ought to be settled between Neil and Owen.

During our investigation, we also reviewed the costs. We found evidence of some bin rental prices that were closer to what Neil was charging and disagreed with SGI's approach to the payout. We thought Owen should not be required to shop around extensively for the lowest price. He needed to quickly find a near, reliable location to store his grain. As long as the price was reasonable, it should be paid. Based on our findings, we made a formal recommendation that SGI increase the amount of the payout by $6,175. Although this would not give Neil the full amount he was asking for, we believed it would be fair. SGI did not accept our recommendation.

Driver's License Suspended?

Saskatchewan Government Insurance (SGI)

Martine was at fault for a motor vehicle accident. SGI determined that her driver's licence had recently been suspended because of previous accidents and that she would have to pay about $14,000 in repairs to both vehicles. Martine thought her licence was still valid, but SGI told her that they had sent her a notice letter several weeks before the accident, so she was not covered. She called our office.

Martine told us she did not receive the letter. Knowing that she had been in a few accidents, however, she had checked on the status of her license. The SGI office she checked with told her that her licence was still valid, so she continued to drive.

We found that, on the day she called, the licence was supposed to have been suspended, but SGI had not yet entered this information on their system. In fact, the suspension was not in effect on their system until about three weeks later, just a few days before the accident.

Even if Martine had received the letter, she had also checked with SGI and, based on what they told her, continued to drive. For this reason, we believed that SGI should do the right thing and accept the responsibility for their error. They did, and paid for the repairs to both vehicles.

Text Messaging Costs Misunderstood

SaskTel

Norris had a cell phone and used it for making calls and text messaging. One month, he received a bill that had text messaging charges of over $4,000, all from just one week of the billing period. Norris was shocked. He talked to SaskTel, but was told he was responsible for the charges and must pay. He was only able to pay a fraction of the bill and his cell phone service was terminated.

Norris' employer, Odette, who was acting as his advocate, contacted our office. She explained that Norris had a cognitive disability, that he did not understand how the charges worked, and that he had a very small income and would not be able to pay the bill.

During our investigation, we talked to Norris and found that he had used the phone to participate in an interactive game on TV and had ended up chatting via text message. We found that, at the beginning of the interaction, a message would have displayed on Norris' phone and on the TV. The message would have explained that every message he received from that source would cost him $1.50 and it would have asked him if he wanted to con-

A SPECIAL THANK-YOU

Kim Gardner
Swift Current Housing Authority
Thank you for being willing to adopt a proactive approach to dealing with a client. This will help improve a long-term relationship.

Marlene Dumont
Income Security Worker, Employment and Income Assistance, Social Services
Thanks for taking extra steps to accommodate a mom who had to be at the hospital day and night with her child.

Pat Cambridge
Assistant Director of Health Registration and Vital Statistics
Hats off to you for going above and beyond the call of duty so a client who was feeling sick could have her Saskatchewan health card. She had moved back from Alberta and waited the required time frame for a new card, but had not yet received it. You got it to her within a week.

Karen Smith
Supervisor, SaskEnergy, Moose Jaw
Thank you for exercising discretion and providing a client with the extra time needed to make payment arrangements on a utility debt.

Ed Williamson
Acting Deputy Director, Regina Correctional Centre
Thanks for immediately providing a summary of our *Locked Out* report to a man who wanted it in preparation for his court appearance.

Susan Boan
Training Coordinator, Regina Correctional Centre
Thanks for arranging for each unit at the Regina Correctional Centre to have a copy of our *Locked Out* report available so anyone there can access it.

Carri Neufeld
Corrections Worker, Regina Correctional Centre
Thank you for assisting at the midnight hour to get a pass request delivered to the Director. (The request was from someone who wanted to go to a funeral and was told he had an outstanding warrant, even though he believed he didn't.)

tinue. To continue, he would have had to say "yes." He did.

In our discussions with Norris and Odette, it became clear that Norris really did not understand the message about the costs or how the billing worked for the text messaging on his phone. He had a phone plan that included text messaging at a flat monthly fee and he believed that all his text messaging, including the interactive game, was covered by the flat fee.

We asked SaskTel for more information about how companies charge for text messaging and the interactions this specific company had with Norris. SaskTel looked into these records and found that it appeared the company had deliberately engaged Norris in a discussion designed to make him continue chatting and spending more money. Based on the total situation and our findings, SaskTel offered to view this as an unusual circumstance and forgive all that was remaining of Norris' debt. Should he incur more text message charges, he would have to pay them. Norris and Odette were relieved that the debt was forgiven and were happy to agree to these terms.

Student Loan for Single Dad

Department of Advanced Education and Employment, Student Financial Assistance

Miles was a single dad attending university. He applied for a student loan, noting on the form that he had custody of his son 50% of the time (which is considered full time custody for the purposes of student loans). Miles received a student loan and went ahead with his studies. Financially, it was a difficult year, and Miles said he went without things he needed in order to provide for his son.

After the end of the study term, Miles discovered that custody of his son had not been taken into account in the funding he received. He asked the Department of Advanced Education and Employment to recognize his correct status and provide the additional funding so that, even though he could no longer use it to support his studies, he could at least apply it to his student loan. They refused, saying that they do not provide funding for a term once it is over. He did not think that was fair and contacted us.

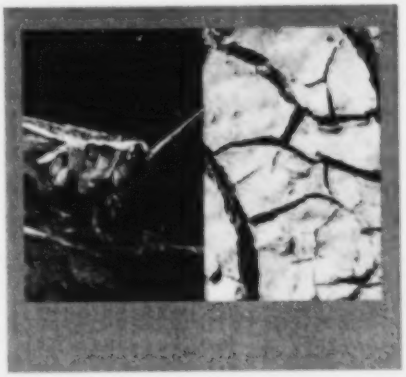
Our investigation found that both Miles and the Department had made mistakes. The Department had made a mistake in assessing the application. The student loan form itself contributed to this confusion. In addition to noting the age of his son and that he had 50% custody, Miles had correctly checked off a box identifying himself as a "single independent student or single parent student..." The fact that this box on the form lumped these two categories together may have contributed to the Department's error. The person assessing the application should have noted that Miles had indicated that he had custody of his son and the son's age.

For Miles's part, although he had noted on the form that he had 50% child custody and child care costs for the pre-study period, his mistake was that he had not completed the child care cost information for the study period itself. The Department's decision was based on this information as well.

There was also the question of whether payment could still be made to Miles. The Department did indeed have a regulation stating that funds could not be awarded after the end of the term. We noted, however, that the Department has the ability to collect overpayments from students long after the end of the term. In Miles' case, we believed it would only be fair for them to provide him with the funds he ought to have received or apply them to his outstanding student loan.

If the application form had been completed and processed correctly, Miles would have been eligible for almost $6,500 more in forgivable or non-repayable funds. As it was, with Miles having provided only the pre-study information correctly, he should still have been eligible for an additional $3,000. We recommended that the Department pay him $3,000 or credit that amount to his student loan.

The Department was initially unwilling to accept the recommendation and asked to discuss it with us further. In the end, they agreed to reassess Miles' application and pay him the full amount he would have been eligible for, provided he could produce custody and child care documentation for the entire period.



Grasshoppers or Heat? Biologist's Report Ignored

Saskatchewan Crop Insurance Corporation (SCIC)

After harvest, Mike made insurance claims on two failed crops: a field of Hard Red Spring Wheat, and a field of Durum. These claims were denied on the basis that the loss was caused by an Uninsured Cause of Loss (UCL). Mike didn't think the UCL formula applied to his crops was fair and appealed to SCIC. The appeal was denied. He disagreed with the decision and called our office.

At issue, in particular, was the cause of loss for the Durum crop. The adjustor had determined that the cause of loss was grasshoppers and, because Mike

did not spray, that he had not done all he could to protect his crop.

We found that a chemical company had a test plot on the same land as Mike's Durum and the test plot also failed to produce. The company's biologist provided a report that said the cause of the loss was not primarily due to grasshoppers, but to extreme heat and lack of moisture. The test plots were sprayed twice for grasshoppers and their yield was no better than the yield on Mike's Durum. One could conclude, therefore, that, even if Mike had sprayed for grasshoppers, his yield would have been the same, and that the grasshoppers were not a factor in the loss of his crop.

SCIC agreed to a second appeal and listened to Mike present his case again. Even though there was no evidence presented to contradict the report on the test plot, SCIC chose not to consider it and did not explain why they did not accept it.

We believe the biologist's report represented the independent opinion of an expert and ought to have been accepted, so we made a recommendation that SCIC accept the report and adjust their conclusions accordingly. They disagreed and our recommendation was not accepted.

Payment for Child Care
Department of Community Resources, Child and Family Services

Before and after school each day, Nora was caring for three children who had cognitive disabilities. The children lived in a foster home and Nora was coming to the home to look after them. One of the three children was an emergency placement and Nora had only received payment from the Department of Community Resources for the first month of her work with him. Since then, she had continued to care for him before and after school for four months and had not been paid for this

Clarence Woloshyn
Director, System and Support Services, Drug Plan, Saskatchewan Health
Thanks for immediately ensuring that a complainant was sent a letter that she needed in order to submit a claim form. She had previously asked for the letter three times and had not received it.

Estes Fonkalsrud
Staff Solicitor, Legal Aid, Regina
Thank you for going above and beyond the call of duty. The commission has the right to refuse service, yet we noticed a continued willingness to assist a complainant, albeit within the limitations of her case. You appeared committed to good service and 'doing the right thing.'

Allan Snell, Q.C.
CEO, Legal Aid Central Office
Thank you for being willing to think outside the box and for taking the time to talk about an issue. You re-appointed legal counsel to represent a complainant, even though there was nothing demanding that you do so.

Doug Johnson
Director, Basin Operations
Thanks for your considerable assistance and cooperation in supplying our office with information about the operations of the Gardiner Dam.

Margaret Halifax
Director, Office of the Worker's Advocate
Thank you for your willingness to attend a facilitated meeting with an injured worker. You identified reasons for the complaint, suggested a possible solution, and offered to facilitate a similar process between the worker and the assigned advocate – which ultimately provided a resolution that was satisfactory to the worker.

Catherine Benning
Registrar of Titles, Information Services Corporation of Saskatchewan
Thank you for cutting through the red tape to resolve a matter involving a government error. You saved a property owner $5,000.

work. She thought the delay was unfair and called us.

We found that the child's social worker had been trying to put through the paperwork for payment, but the paperwork was being refused because the foster parent had used more than the allotted hours of respite care. The Department, however, had been involved in making the arrangements, so there was no disputing that payment should be made. The question seemed to be more a matter of internal process, but it resulted in four months without payment for Nora, and that was simply too long.

When we brought this situation to the Department's attention, they paid Nora. In addition to Nora's situation, we had four similar complaints about payment delays against the Department. Since the issue did not seem to be an isolated event, we made a formal recommendation asking the Department, if they had not already done so, to adopt a policy to pay for goods and services within thirty days as set out in *The Financial Administration Manual* and to adopt a policy to pay interest on late payments.

The Department replied that they had a policy to pay for goods and services within 30 days and to pay interest on payments made 15 days or more after the 30-day deadline. They sent out a reminder to all Regional Managers to follow the policy.

No Money to Go Home
Department of Corrections and Public Safety

Like many people who are imprisoned while awaiting a trial or sentencing, Myron had been held in remand at the Regina Correctional Centre. He was not sentenced and was released. He wanted to return to his home in a small town, but was not provided money for a bus ticket.

He tried calling the call centre at Community Resources, but could not get through, so he called our office, saying he was desperate for money and wanted a bus ticket home. We contacted the call centre and made arrangements for him to call back. We did not hear back from him and believed that he was able to get his ticket.

In the meantime, we began looking into the broader issue behind his complaint. Normally, when someone is sentenced and then eventually released, they receive money for a bus ticket home or to some appropriate destination. This was not the case, however, for people who were in remand and then released. This did not seem fair to us and we raised the issue with Corrections and Public Safety.

In the course of our investigation, we found that Myron was not destitute when he called us, and he had enough money for the bus ticket. Even though he lied, we requested that Corrections and Public Safety reimburse him for the ticket. He said he spent about $70. When we checked with the bus depot to find the exact amount of the ticket, we found that he had not purchased a ticket to his hometown, or in fact anywhere else that day. Needless to say, Myron did not get reimbursed.

Despite Myron's dishonesty, however, we believed his situation brought attention to a valid point. It was unfair that people released from remand did not receive the same assistance to return home as those who were concluding a sentence. Corrections and Public Safety agreed and accepted our recommendation to change their policy.

Restraint Measures
Department of Corrections and Public Safety, Prince Albert Correctional Centre (PACC)

Mark was in a holding cell at the Prince Albert Correctional Centre when corrections workers placed another man in the cell. When they returned to bring in a mattress for the second man, Mark left the cell to complain about having to share the space. When he refused to get back in and became aggressive, corrections workers called for back-up.

In the fight that ensued, Mark was warned and then pepper sprayed. Corrections workers placed Mark in handcuffs and leg irons, pepper sprayed him again, and placed him in a restraint chair. As he was being restrained, his face was bleeding and guards briefly placed a "spit hood" on him – a dark, tubular cloth designed to prevent him from projecting blood or spit onto the guards. During the time the hood was over his face, and having just been pepper sprayed, Mark had trouble breathing and believed he was going to die.

Once he was in the chair, he was showered to decontaminate from the pepper spray, restrained in the chair for three hours, and eventually returned to a cell. Later, Mark called our office to complain about his treatment in this incident.

In the course of our investigation, we heard differing accounts of the incident, although there were several

common elements as well. We noted that complaints about excessive use of force on the part of PACC staff or assault on the part of Mark would be a matter for the courts; our purview was to look at the fairness issues and whether policy existed and was applied.

We found that, while PACC management and staff had followed policy in some elements of this case, there were some gaps in their process:

- There is nothing in Corrections policy to indicate whether the spit hood is authorized for use, or what an appropriate use of it would be.
- Their existing policy states that use of the restraint chair be videotaped when possible, but this incident had not been videotaped. One might argue, as PACC did, that there was not time to arrange for video-taping when a scuffle is breaking out – but even after Mark was subdued and placed in the chair, there was no videotaping done. Mark was in the restraint chair for one hour longer than policy normally dictates, and although policy allows Corrections to keep someone in the chair beyond the two-hour limit if necessary, there was no video documentation to support this decision.
- The written records of the incident did not include important details that were later in dispute.

As a result, we made three recommendations:

- That use of the spit hood be clarified and that if this device is authorized that policy be developed in regard to its use.
- That a video record be made where an inmate is placed in the restraint chair.
- That the written record should provide adequate particulars as to why extraordinary force was used.

Corrections and Public Safety accepted our recommendations and agreed to make the changes we requested.

Smelly Leak?

Department of Community Resources, Housing

Nelson and his wife lived in a seniors apartment complex run by a housing authority. There was a leak in the hot water heating system in their bedroom and they noticed a bad smell and had difficulty sleeping. They believed that a chemical, used to keep the pipes from corroding, was the source of the smell and they were worried about how it might affect their health. The matter was further compounded by a thermostat that did not work.

Nelson notified the housing authority and they replaced the thermostat and used a rebuilt valve on the heating system. Nelson said the new thermostat did not work and the smell did not go away. Nelson did not believe the housing authority was taking him seriously. He believed they thought he was senile and was imagining the odour. He had a letter from the housing authority warning him of possible eviction, and he believed this was because of his complaints about the smell. He did not think this was fair and called our office.

We found that the housing authority had sent three caretakers to his suite, who all said they could not detect an odour. A plumber confirmed that there were no leaks, although Nelson believed that the plumber was on the side of the housing authority. Nelson had independently contacted health inspectors. They also said they could not detect an odour.

The housing authority manager said that Nelson had been difficult to deal with and that he sometimes behaved inappropriately towards staff and

fellow tenants. It was for his behaviour and not his complaint that they had warned him that he could be evicted.

While we did not condone the inappropriate behaviour that Nelson sometimes exhibited, we were also aware that such behaviour can result in less respectful treatment – which in turn can fuel the inappropriate behaviour.

When we visited Nelson at his suite, we found that the thermometer was indeed not working. It was summer, so the heat was not on. We also saw a green substance that had dripped from the leaky pipe onto a cardboard he had kept underneath. Although we did not detect a foul odour, there was a metallic smell, which may become more intense when the pipes were hot.

We also did some research into the chemical that was used to prevent corrosion in the heating system. It was diluted at 100ppm, had no smell, and was reported in the research as not associated with any illness or reaction, even if water leaked out of the pipes. We talked with Nelson and the housing authority about Nelson's behaviour, his desire to be treated with respect, and a plan for working together in the

future. The housing authority replaced Nelson's thermostat a second time and the new one now worked. The housing authority would also check Nelson's suite for a smell when the heat came back on in the fall. If they were still unable to detect an odour, both he and they would conclude that his nose was sensitive to the metallic smell and nothing further would be done.

Advocate Troubles

Department of Labour, Office of the Worker's Advocate

Martin was in severe pain. He had been injured at work and was going through a long recovery process, which would involve several more surgeries.

Martin had a claim with the Workers' Compensation Board (WCB) and was appealing one of their decisions. He had an advocate assigned to him with the Worker's Advocate Office. He thought his advocate was unsupportive and authoritative, and talked down to him.

This was particularly distressing to Martin because, given the severity of his injuries, he would likely be dealing with WCB for years to come. He believed that having an advocate that he could feel confident in – someone he could trust to act in his best interests – was crucial.

First, he talked to the advocate about his concerns, but nothing changed. Next, he wrote to the Manager of the Worker's Advocate Program, asking to be assigned to a different advocate. When he did not get a response, he contacted our office.

We contacted the Manager, who said that she received his letter and would be reviewing his file soon. In her review, she determined that the advocate was a competent, professional individual and the Manager decided not to grant Martin's request to be assigned to someone else. He was disappointed and felt certain that he would lose his appeal at WCB without the benefit of a new advocate. He asked us to investigate the decision.

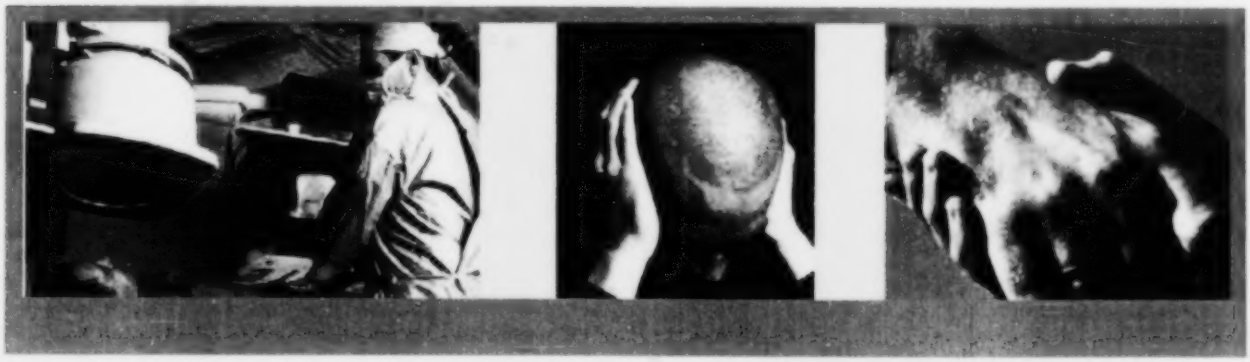
We offered, instead, to facilitate meetings and information-sharing between Martin and the Office of the Worker's Advocate so they could better understand each other and together determine how best to proceed.

In our discussions with Martin, we found that, when he wrote to the Manager, he believed that, upon receiving the letter, she would phone him to discuss it further. For this reason, he only shared certain details in the letter and did not provide complete documentation about the advocate's behaviour. He felt he had missed out on an opportunity to explain in more detail – and in person – why he felt he could not work with the advocate. He was not comfortable meeting with the advocate as a result of poor communication in the past, so we offered to facilitate a meeting with just the Manager. He reluctantly agreed.

At the meeting, Martin relayed his concerns to the Manager. She listened carefully and responded respectfully, and he began to feel more confident in her willingness to help. He talked about the tone of voice he heard the advocate using and how he interpreted that as evidence of her being unprofessional and uncaring. Martin revealed that all his conversations with the advocate had been by telephone; they had never met.

The Manager believed that if Martin could meet the advocate, with an opportunity for both of them to offer their points of view, he would change his mind. She offered to facilitate the meeting and Martin agreed. She also noted that her preference was that the first meeting between all advocates and workers be face to face, although that seldom happened, due to budget constraints.

After the meeting with the advocate and Manager, Martin called to tell us that he was now confident in the advocate's ability to represent him fairly at the appeal. He wished they had the opportunity to meet in person at the very beginning and believes that, if they had done so, he would not have needed to call our office.



Systemic Investigations

Sometimes a potential unfairness comes to our attention and we decide to investigate it, not as an individual file, but from a system-wide perspective.

While there are some individual complaints that result in a broad-impact recommendation, systemic investigations are conducted with the big picture in mind.

There are tremendous opportunities when conducting systemic investigations to not only fix problems, but to prevent them on a large scale.

Systemic Investigations Completed

Timeliness of Decision-Making

Saskatchewan's Administrative Tribunals

On December 17, 2007, we tabled a report titled: *Hearing Back: Piecing Together Timeliness in Saskatchewan's Administrative Tribunals*.

The investigation focused on administrative tribunals – organizations that review government decisions in various contexts: auto insurance, utilities, housing, and human rights, just to name a few. Of the 55 administrative tribunals we identified in our report, there were six that we examined in depth as a representative sample: the Automobile Injury Appeal Commission, the Highway Traffic Board, the Human Rights Tribunal, the Labour Relations Board, the Office of Residential Tenancies, and the Workers' Compensation Board.

We began by looking at the length of time it takes for a person to attend a hearing and then learn the tribunal's decision. In the most extreme cases, the process could take as long as two years. But what was contributing to this kind of delay? The factors were many; they were complex and interrelated.

The report defined a list of best practices intended to support tribunals in providing timely decisions, and the 27 recommendations made in the report were based on those best practices. Some we identified as "For Implementation Now." These tended to be recommendations that administrative tribunals could implement on their own, such as providing pre-hearing meetings, when appropriate. Others were more complex and would likely require consultation between government and the tribunals – such as consideration of a coordinated system of administrative tribunals in the province. These more complex recommendations were identified as "For Consultation and Implementation."

Overall, the report has received positive comments from various sources, including several of the administrative tribunals themselves. Some tribunals are leading in best practices and were already in step with many of our recommendations; some had been planning to make changes and found our recommendations helpful; and still others needed a starting point. Given their varying needs and degree of progress in best practices, we noted that we were not looking for a "one size fits all" approach, but rather one that took each tribunal's size and current progress into account.

Our thanks to the six tribunals we examined. They answered our questions and were genuinely interested in making their processes more consumer friendly. As we move forward into the monitoring and follow-up phase, we look forward to seeing positive results for tribunals, the processes they follow, and the people who rely on their services.

Process and Procedure Review

Office of Residential Tenancies

The Office of Residential Tenancies provides advice to residential landlords and tenants about their legal rights and obligations. It also provides a hearing process to resolve disputes. *The Residential Tenancies Act* does not permit the Office to amend, vary, rescind or reconsider its decisions, and appeals can only be taken to a court of law. For this reason, it is especially important that the hearing and decision-making process be fair with consistently high standards applied to it.

We were going to conduct this process and procedure review as a separate issue in 2007. However, the Office of Residential Tenancies was one of the six organizations we investigated as a representative sample for the report on the timeliness of decisions of administrative tribunals. We reviewed the Office of Residential Tenancies' process and procedures as part of that investigation and the results are in our Hearing Back report.

No New Starts in Methadone Program

Corrections and Public Safety, Saskatoon Correctional Centre (SCC)

Methadone is a non-addictive drug that is used to help lessen withdrawal symptoms for drug addicted people. We received complaints from people who were approved to start the methadone program at the Saskatoon Correctional Centre, but were not per-

mitted to do so, largely due to a nursing shortage.

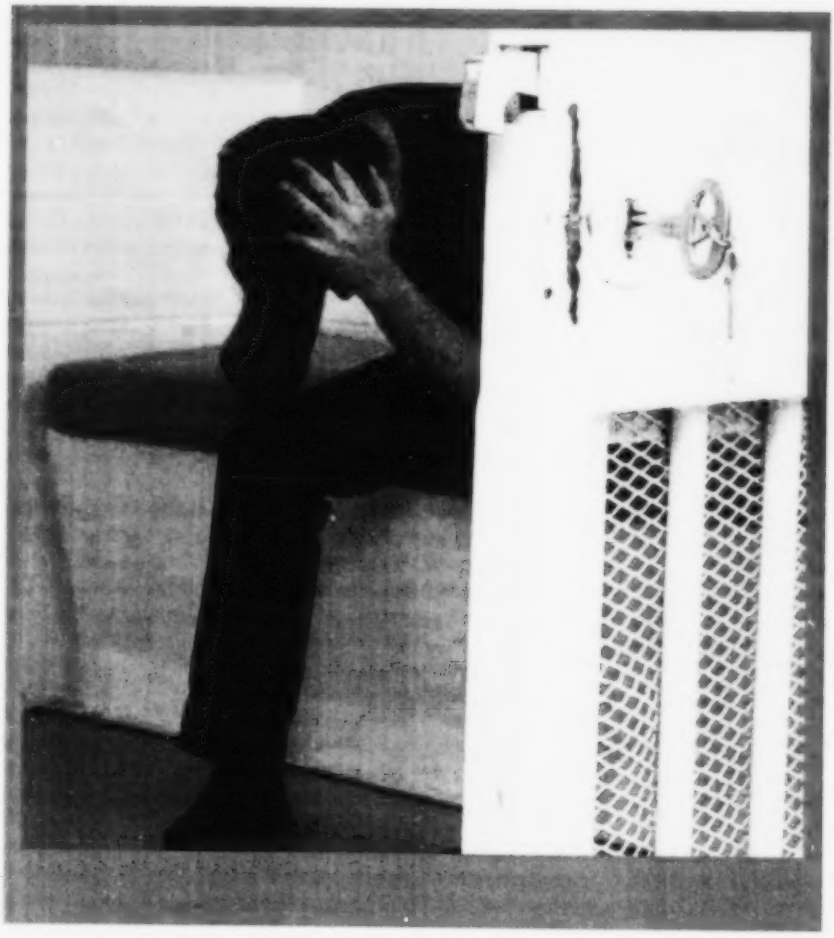
We found that having enough nurses to manage the program safely was indeed crucial, especially because people starting a methadone treatment program take about three times the staff time as people who have progressed to a maintenance phase. The Correctional Centre medical staff were continuously managing a full methadone program, with a long waiting list and no room to safely add more people.

While we agreed that the program should only serve the number of people the nurses could safely attend to, we noted that Corrections and Public Safety did not have a plan in place to address their nursing shortage. We also noted that, had the people on the wait list been in the community, they would have been able to start a methadone program, provided they met the medical criteria.

Incarceration should not result in a lower standard of medical care than is otherwise available in the community. People who meet the medical criteria for methadone treatment should be able to access it as they would any other medically prescribed treatment. Appropriate medical care should not stop at the prison gate. This is particularly important when the treatment is part of a larger strategy to address issues such as addictions that are likely contributing reasons for incarceration.

As a result, we made the following recommendations, which were accepted:

- That Corrections and Public Safety develop a plan to address nursing shortages at the Saskatoon Correctional Centre so that inmates who meet program criteria for methadone treatment are able to participate in that treatment.
- That the Ombudsman be provided with a copy of this plan.



Use of Restraint Chairs

Corrections and Public Safety

When an incarcerated person is physically out of control, one of the methods some correctional centres use to prevent injury to the person and to staff is to place that individual in a restraint chair. The chair has straps around the arms, legs and chest. While use of the restraint chair has not been common in Saskatchewan correctional centres, it is used federally and in some other provinces.

The purpose of our investigation was to review the restraint chair policy in place at Corrections and Public Safety. We found that the checks and balances in the policy were not sufficient to ensure appropriate use of the chair and we made several recommendations:

- That the restraint chair only be used for the protection of the inmate, staff and other inmates or for the protection of the institution.
- That the restraint chair not be used as a form of punishment.
- That only staff trained in the use of the chair shall be allowed to place in inmate in the chair.
- That an inmate not remain in the restraint chair longer than two hours. This should be sufficient time to gain control of the person's behaviour. If the inmate remains out of control after this period, then we

suggest that some from of medical intervention would be appropriate in the circumstances. During this period, consideration needs to be given to removing the inmate from the chair at the earliest possible time.

- That the entire process of securing an inmate to the restraint chair be video-taped. This would include removal of the inmate from the cell or other area of the prison, the transportation of the inmate to the location of the restraint chair and the securing of the inmate in the chair.
- That an inmate placed in the restraint chair be kept under constant observation and a log be kept describing behaviour and when released from the chair.
- That notification be provided to the Ombudsman's office whenever an inmate is placed in the restraint chair.

Corrections and Public Safety accepted all of the recommendations except that notification be provided to our office whenever the chair is used.

As we were wrapping up our investigation, we received a complaint that included use of a restraint chair in Prince Albert. As a result of the investigation into that incident, we reinforced these recommendations and added to them. That incident is described in the "Complaints from Individuals" section of this report.

Systemic Investigations Underway

Electronic Conducted Device (ECD) Use and Policies in Correctional Centres

Department of Corrections and Public Safety

The Department of Corrections and Public Safety was in the process of introducing ECDs to Saskatchewan's correctional centres in the fall of 2007, and had deferred implementation pending the results of a review of an ECD incident in British Columbia by the Commission for Public Complaints Against the RCMP.

Given the controversy with respect to the technology and our own concerns with the use of ECDs in correctional facilities, we began an investigation into the introduction of ECD technology in provincial correctional facilities in Saskatchewan.

Refund Set-Off Program

Department of Community Resources

When a Social Assistance recipient receives an overpayment, the money is payable back to the Department of Community Resources. If that person is no longer collecting social assistance, it can be more difficult for Community Resources to collect the money. At times, the Department will access the money from the person's federal income tax return.

This investigation asks: Is it appropriate for the Department to collect an overpayment when a debt reaches an age where it would no longer be collectible through the courts?

Discipline Panels

Department of Corrections and Public Safety

If a person violates a rule of conduct while incarcerated, staff members are to follow a policy of progressive discipline. More serious violations are referred to the correctional centre's discipline panel, which consists of three correctional centre staff members, one of which acts as the chairperson.

In the *Locked Out* report in 2002, the previous Ombudsman recommended a change in the composition of these panels: "Restructure the membership of discipline panels so that they are entirely or at least partly composed of members who are not employees of Corrections, or at least not Correctional Centre staff members." The report pointed out that existing make-up of the discipline panels could result in a bias or perceived bias and she warned that their decisions would be overturned if appealed in a court of law.

In fact, more recently, a judge in Alberta ruled that discipline panels were biased and had to be restructured.

While we continue to monitor Corrections and Public Safety's response to all the recommendations in the report, we think this one requires particular attention and we are closely monitoring the Department's progress in making changes.

Recommendations

We have made the commitment to government that "If we think you could have done a better job, we will tell you so." The most formal way we do that is through written recommendations. We do not make recommendations lightly and, when we do, we expect that they will be followed. Most often they are, but there are some exceptions.

Here is a summary of our recommendations for 2007. We have used random initials to keep the information confidential and the department names that were in effect for most of 2007.

ACCEPTED RECOMMENDATIONS

Social Assistance Plan Overpayment

Department of Community Resources, Income Assistance Division

M disputed the amount of overpayment Community Resources was trying to collect from her. They had calculated the amount owing on the assumption that she had been living in an undeclared common-law relationship, when she was actually living alone part of the time.

Recommendation: That Saskatchewan Community Resources reconsider the overpayment against M and reduce any outstanding overpayment by the amount of $2,620.98.

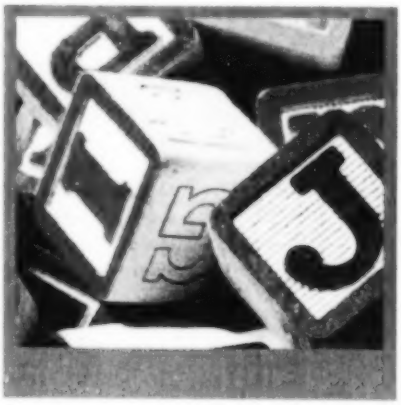
Child Care Payment Delayed

Department of Community Resources, Income Assistance Division

N provided emergency child care services for a foster home. Due to paperwork challenges at the Department, N had not been paid for care of one of the children for four months. We were aware of four similar complaints against the Department.

Recommendation: That the Department, if it has not already done so, adopt a policy to pay for goods and services within thirty days as set out in The *Financial Administration Manual*. Also, that the Department pay interest at the rate as set out in *The Pre-judgment Interest Act* to persons who have supplied goods and services where payment is beyond thirty days from the date the services are received or from the date when the invoice is received, whichever is later.

(The Department replied that they had a policy to pay for goods and services within 30 days and to pay interest on payments made 15 days or more after the 30-day deadline. They sent out a reminder to all Regional Managers to follow the policy.)



No New Starts in Methadone Program

Department of Corrections and Public Safety, Saskatoon Correctional Centre

Methadone is a non-addictive drug that is used to help lessen withdrawal symptoms for drug addicted people. We received complaints from people who were approved to start the methadone program at the Saskatoon Correctional Centre, but were not permitted to do so, largely due to a nursing shortage.

Recommendations:

1. That Corrections and Public Safety develop a plan to address nursing shortages at the Saskatoon Correctional Centre so that inmates who meet program criteria for methadone treatment are able to participate in that treatment.

2. That the Ombudsman be provided with a copy of this plan.

No Money to Go Home

Department of Corrections and Public Safety, Regina Correctional Centre (RCC)

M had been in the RCC and was released, but he was not concluding a sentence so did not receive money for a bus ticket home.

Recommendation: That people released from remand receive the same assistance to return home as those who are concluding a sentence.

Restraint Devices, Policy, and Record-Keeping

Department of Corrections and Public Safety, Prince Albert Correctional Centre

M became aggressive while in the PACC and in the process of restraining him, staff pepper sprayed him twice, put a spit hood over his face, handcuffed and shackled him, and put him in a restraint chair for three hours (one hour longer than is usually deemed necessary). The incident was not video-taped and details were missing from the written record.

Recommendations:

1. That the use of the spit hood is clarified and that if this device is authorized that policy be developed in regard to its use.

2. That a video record be made where an inmate is placed in the restraint chair.

3. That the written record should provide adequate particulars as to why extraordinary force was used.

Access to the Media

Department of Corrections and Public Safety, Saskatoon Correctional Centre (SCC)

N did not know why the Director of SCC denied his request for an on-camera interview with the media. The reason was that there was a publication ban on the information around N's court case.

Recommendation: That the department provide N with accurate and appropriate reasons for denying him access to the media.

Money Order Returned, Delay in Responding to Ombudsman

Department of Corrections and Public Safety, Regina Correctional Centre & Saskatoon Correctional Centre

M had been transferred back and forth between the Saskatoon and Regina Correctional Centres. Twice, M's mother tried to send him a money order and the correctional centre returned it both times because each time, M had just been moved and was in a different location. In addition, the response to our office from the Regina Correctional Centre was very slow, which further delayed a response to M and his mother.

Recommendations:

1. That Saskatchewan Corrections and Public Safety provide an explanation to both M and his mother as to why the monies sent to M from his mother were returned.

2. That Saskatchewan Corrections and Public Safety provide apologies to both M and his mother.

Held in Maximum Security Unit (MSU)

Department of Corrections and Public Safety, Pine Grove Correctional Centre (PGCC)

When N was sentenced and sent to PGCC, staff put her in MSU because of a situation that happened during her previous incarceration.

Recommendation: That N be immediately reassessed for the purpose of returning her to the general population at PGCC.

Rebates Missed

Crown Investments Corporation of Saskatchewan (CIC)

Several people missed the deadline for a rebate because they were out of the province.

1. Have an appeal mechanism in place for those who were not deemed eligible or who missed the deadline that takes into consideration their individual circumstances and takes into consideration the intent of the program and ensures that those who were intended to benefit from the program do so.

2. When dealing with a population who may be out of province or out of Canada for longer periods of time, have a program that is more accessible (800 number is available wider than just Canada) and change the program deadline date to take into consideration their migratory patterns. Extending the deadline for application from March 31 to April 30 would have had a significant positive impact for many of the complainants who contacted our office.

3. Provision of detailed information and answers to questions from customers or staff with a view to providing greater transparency to the rebate program including eligibility criteria and end date of the program.

ACCEPTED RECOMMENDATIONS (CONTINUED)

Explanation for Length of Impoundment

Highway Traffic Board

Police impounded N's vehicle due to his speeding right after being ticketed for speeding, and for his behaviour. He disagreed with the length of time of the vehicle impoundment (60 days).

Recommendation: The Highway Traffic Board will ensure that future written decisions regarding hearings under Section 280 of the *Traffic Safety Act* include a rationale for the length of time of the impoundment.

Car Impounded

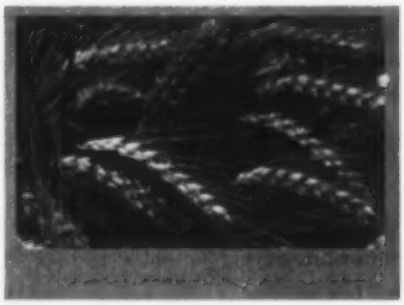
Highway Traffic Board

M & N's car was impounded when their son was caught driving with a suspended license. They appealed to have the car released early and were denied. Although they knew their son had been ticketed before, they could not have reasonably known that his license was suspended.

Recommendation:

1. That the Highway Traffic Board reimburse M & N the appeal fee of $100.00.

2. That the Highway Traffic Board reimburse M & N the impound fee from the date of hearing to the date the car was released.



Uninsured Cause of Loss Penalty on Barley Crop

Saskatchewan Crop Insurance Corporation (SCIC)

SCIC denied M's appeal of the Uninsured Causes of Loss (UCL) penalty applied to a 40-acre barley crop in a 145-acre field, saying he had inadequate control of grasshoppers and poor farming practices — even though the whole field and crop was farmed the same way and they accepted the 105 acres loss as due to drought and hail. After he appealed, the Panel allowed the hail damage loss percentage but upheld the grasshopper loss.

Recommendation: The UCL penalty applied against M's barley claim for his crop be reduced by 50%.

Payment for Transporting Vehicles

Saskatchewan Government Insurance (SGI)

M disputed the payment he received for transporting a rolled vehicle to SGI. SGI said the clean-up charges were the responsibility of the carrier's insurance, but M told us he had to do the clean-up in order to transport the vehicle.

Recommendation: That SGI pay to M the sum of $455.00.

Downed Power Line Damages Truck

SaskPower

A downed power line caused damage to N's truck and he believed SaskPower should pay his deductible.

Recommendation: That SaskPower pay to N on a "without prejudice" basis the sum of $500.00 by way of compensation for damages he sustained to his vehicle as a result of it coming into contact with a downed SaskPower power line.

PARTIALLY ACCEPTED RECOMMENDATIONS

Student Loan for Single Dad

Department of Advanced Education and Employment

N was a single dad attending university. After the term was over, he noticed that the Department had processed his student loan application as though he were single and not a single dad, so he would have been eligible for more funding, based on child care and custody. The Department has regulations stating that they do not pay out money after the term is over. We found that both N and the Department made mistakes and we based our recommendation on the Department correcting their mistake.

Recommendation: That the Department either pays to N the sum of $3,000.00 directly or alternatively, credit his student loan account in the same amount.

(The Department was initially unwilling to accept the recommendation and asked to discuss it with us further. In the end, they agreed to reassess N's application and pay him the full amount he would have been eligible for, provided he produce custody and child care documentation for the entire period.)

Use of Restraint Chairs

Department of Corrections and Public Safety

When an incarcerated person is physically out of control, one of the methods some correctional centres use to prevent injury to the person and to staff is to place that individual in a restraint chair. We reviewed the restraint chair policy in place at Corrections and Public Safety.

Recommendations:

1. That the restraint chair only be used for the protection of the inmate, staff and other inmates or for the protection of the institution.
2. That the restraint chair not be used as a form of punishment.
3. That only staff trained in the use of the chair shall be allowed to place in inmate in the chair.
4. That an inmate not remain in the restraint chair longer than two hours. This should be sufficient time to gain control of the person's behaviour. If the inmate remains out of control after this period, then we suggest that some form of medical intervention would be appropriate in the circumstances. During this period, consideration needs to be given to remove the inmate from the chair at the earliest possible time.
5. That the entire process of securing an inmate to the restraint chair be video-taped. This would include removal of the inmate from the cell or other area of the prison, the transportation of the inmate to the location of the restraint chair and the securing of the inmate in the chair.
6. That an inmate placed in the restraint chair be kept under constant observation and a log be kept describing behaviour and when released from the chair.
7. That notification be provided to the Ombudsman's office whenever an inmate is placed in the restraint chair.

Corrections and Public Safety accepted all of the recommendations except that notification be provided to our office whenever the chair is used.

RECOMMENDATIONS NOT ACCEPTED

Missed Opportunity

Department of Agriculture and Food

N was in the process of applying for the Family Farm Opportunities Initiatives program and had invested a significant amount of time and money into the application. Then the program was cancelled and she was not allowed to submit her application.

Recommendations:

1. That N be given the opportunity to complete the application process and that the application be considered on its merits.

2. That, where similar circumstances exist in the future with respect to the cancellation of programs, provision be made for applicants who can demonstrate that their application is under development and has been significantly developed, to allow them to perfect the application and submit it for approval.

Dispute Over Grain Storage Costs

Saskatchewan Government Insurance (SGI)

N rented bin space to his neighbor, O, whose bins had collapsed. O had a claim in with SGI, but they refused to pay N the full price he requested, even though he had verbally confirmed it with them ahead of time. He also wanted reimbursement for related damages caused to his yard and tractor. SGI paid N part of what he asked for. We agreed that the total amount was too high, but recommended that SGI increase the amount.

Recommendation: That SGI pay to N the sum of $6,175.00 in addition to the amount that has already been paid to him.

Claim on Organic Lentils

Saskatchewan Crop Insurance Corporation (SCIC)

M had made a claim to SCIC on his organic lentil crop. He did not think they should have penalized him for an Uninsured Cause of Loss (UCL). Our recommendation was based on an expert's review of the adjuster's information and the lack of facts available on SCIC's file.

Recommendations:

1. That SCIC accept that M incurred a loss to his 2003 lentil crop due to insured causes.

2. That SCIC pay M for the loss to his 2003 lentil crop to the full extent of his crop insurance.

Grasshoppers or Heat?

Saskatchewan Crop Insurance Corporation (SCIC)

SCIC denied M's Durum claim on the basis that the loss was caused by an Uninsured Cause of Loss (UCL). They said the cause of the loss was grasshoppers and M should have sprayed – but a chemical company's biologist's report said their test plot on the same land failed due to heat and lack of moisture, even though they sprayed for grasshoppers.

Recommendation: That the Saskatchewan Crop Insurance Corporation accept M's post harvest Durum Wheat claim and compensate him accordingly.

Business Overlap

Saskatchewan Environment

M is an outfitter and Saskatchewan Environment reduced the area in which outfitters could operate. Two other outfitters also had reduced areas, and they took Saskatchewan Environment to court and won, getting their old territories back. As a result, their territories now overlapped with M's, which had a serious negative effect on his business.

Recommendations:

1. That government acknowledge that an unfairness has occurred to M's company as a result of the overlap elimination process and communicate this to M. That government acknowledge that the process has resulted in adverse consequences to M's company.

2. That government complete the overlap elimination process in a fair manner in accordance with the judgment of the court, or in the alternative, provide monetary compensation to M's company.

3. That, in the event that government is not prepared or is unable to complete the overlap elimination process in accordance with the court's judgment, and M's company and the government are not able to mutually agree on monetary compensation, the matter of compensation is to be referred to a mutually agreeable arbitrator whose decision will be final and binding on the parties.

Presentations and Training

One of the roles of Ombudsman Saskatchewan is to educate the public about the office, and we do that through:

- making presentations to a wide range of public groups.
- increased communication with northern communities.
- a continuation of our Fair Practice Workshops for government.

Here is a list of our public education activities for 2007.

Presentations

- Department of Community Resources - Child Protection Workers
- Provincial Interagency Network on Disability (PIND)
- Regina Home Economics for Living Project (HELP)
- Court Services
- Saskatchewan Association of Human Resources Professionals (SAHRP)
- F.W. Johnson School - Law 30 Class (winter & fall)
- Women's Centre, Saskatoon
- Civil Law / Public Law Continuing Legal Education
- Canadian Mental Health Association
- Beyond the Walls - Building a Safer Community Conference (Prince Albert Métis Women's Association)
- Regina Correctional Centre (twice)
- Saskatoon Kiwanis Club
- Forum of Canadian Ombudsman
- Society for the Involvement of Good Neighbors (SIGN)
- Court Staff (100th Anniversary of the Court of Queen's Bench)
- Canadian Association for Civilian Oversight of Law Enforcement (CACOLE)
- Alternative Dispute Resolution Lawyers
- Orientation for new MLAs

Northern Exchange

- Beauval, Cole Bay, Jans Bay, Ile á la Crosse – community visits, discussions about how to build and maintain connections with our office
- Stony Rapids & Black Lake – planning and community consultation meeting
- Buffalo Narrows – joint conference with the Saskatchewan Children's Advocate Office and the Saskatchewan Human Rights Commission

Fair Practice Workshops

- Saskatchewan Environment, Lands Registry Branch (introductory session) – Regina
- Open Session for Government (two days) – Saskatoon
- SGI (partial) – Regina & Saskatoon
- Community Resources (overview for managers) – Saskatoon (two sessions)
- Community Resources – Saskatoon (three one-day sessions)
- Saskatchewan Assessment Management Association (SAMA) (two days) – Regina
- Labour Standards Branch (partial) – Regina & Saskatoon

Statistics

In 2007, we received a total of 3,128 complaints; 2,119 that were within our jurisdiction and 1,009 that were outside our jurisdiction.

We moved to a new complaint tracking system in April of 2006, and so 2007 was our first full year on the new system.

We are also able to track, for the first time, the length of time our office spends on each file, from opening to closing. In 2007, we closed 81% of files within three months and 88% within six months.

Our statistics are on the following pages and reflect the names of government organizations as they were for most of the year. Next year, our statistical reporting will reflect the new names of the government ministries.

Complaints Received		Departments
2007	2006	
21	25	**Advanced Education and Employment (new)**
8	16	**Agriculture and Food**
		Community Resources
64	103	Building Independence
46	90	Child and Family Services
3	7	Community Living
11	10	Housing - General
7	10	Housing - Regina
8	10	Housing - Saskatoon
13	10	Housing - Other Locations
507	591	Income Assistance
22	26	Community Resources - Other
681	**857**	**Totals - Community Resources**
		Corrections and Public Safety
42	74	Adult Corrections - Pine Grove Correctional Centre
98	116	Adult Corrections - Prince Albert Correctional Centre
217	209	Adult Corrections - Regina Correctional Centre
203	198	Adult Corrections - Saskatoon Correctional Centre
19	26	Adult Corrections - Other
1	3	Young Offenders Program
17	6	Corrections and Public Safety - Other
597	**632**	**Totals - Corrections & Public Safety**
0	1	**Culture, Youth and Recreation**
16	13	**Environment**

[1]**Complaints Received:** The number of complaints received from January 1 to December 31. These complaints are considered within jurisdiction, although a very small number of them may later be determined not to be.

[2]**Initial Support:** Our office provided initial support for these complaints. For example, we may have linked the complainant to a more appropriate step - perhaps an appeal process not yet tried, an advocacy service, or an internal complaints process. We also encourage people to bring their complaint back to our office if they still feel there is an unfairness after they have tried all the appeal routes available.

[3]**Referral Assistance:** These complaints are mainly ones where, after beginning a negotiation, mediation or investigation process, we have referred the complainant to an appeal route they have not yet tried or a more appropriate remedy.

Note: A complaint closed as *referral assistance* may be part of a multiple complaint that spans more than one category.

[4]**Situation Improved:** The complainant may not consider the complaint to be completely resolved, but the situation has improved - perhaps for them and perhaps also for others who may encounter a similar situation.

Note: A complaint closed as *situation improved* may be part of a multiple complaint that spans more than one category.

Complaints Closed in 2007

Initial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Other [7]
11	**1**	**1**	**2**	**3**	**3**
2	**3**	**0**	**1**	**3**	**1**
34	5	11	9	4	4
31	2	9	5	4	5
0	0	2	1	1	0
8	1	2	1	1	1
1	2	1	3	2	2
6	0	1	0	1	1
8	1	2	1	0	2
294	36	84	92	10	22
11	2	4	3	0	1
393	**49**	**116**	**115**	**23**	**38**
24	2	5	6	1	1
70	0	3	9	7	8
107	17	46	24	10	33
117	4	23	25	12	14
13	2	4	1	1	1
1	0	0	0	0	0
5	0	2	2	0	1
337	**25**	**83**	**67**	**31**	**58**
0	**0**	**0**	**1**	**0**	**0**
7	**0**	**4**	**0**	**4**	**5**

[5] **Resolved:** We have deemed the complaint to be completely or largely resolved. Examples: a formal recommendation was accepted, the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

Note: A complaint closed as *resolved* may be part of a multiple complaint that spans more than one category.

[6] **Not Resolved:** The complaint has not been resolved. Examples: the complainant's situation is not significantly better and they remain dissatisfied with the government's decision or action, a formal recommendation was rejected or there was no appropriate remedy available.

Note: A complaint closed as *not resolved* may be part of a multiple complaint that spans more than one category.

[7] **Other:** Our office or the complainant has chosen to withdraw or discontinue the complaint. This includes situations where we find, after some involvement, that the complaint is outside our jurisdiction.

Note: A complaint closed as other may be part of a multiple complaint that spans more than one category.

Complaints Received		Departments
2007	2006	
1	1	**Executive Council**
3	11	**Finance**
0	1	**First Nations and Metis Relations**
		Health
19	11	Drug Plan & Extended Health Benefits
25	30	Health - Other
44	**41**	**Totals - Health**
5	0	**Government Relations**
8	12	**Highways and Transportation**
0	1	**Industry and Resources**
		Justice
13	20	Court Services
31	39	Maintenance Enforcement Branch
21	22	Public Trustee
25	34	Office of Residential Tenancies/ Provincial Mediation Board
13	13	Justice - Other
103	**128**	**Totals - Justice**
16	13	**Labour**
4	3	**Learning**

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Complaints Closed in 2007

Initial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Other [7]
1	**0**	**1**	**0**	**0**	**0**
1	**1**	**2**	**0**	**1**	**1**
0	**0**	**0**	**0**	**0**	**0**
10	2	3	4	2	1
12	1	3	3	3	3
22	**3**	**6**	**7**	**5**	**4**
3	**1**	**0**	**1**	**0**	**0**
4	**1**	**0**	**0**	**1**	**1**
0	**0**	**0**	**0**	**0**	**0**
7	0	2	3	1	2
14	3	10	5	0	3
6	1	6	4	2	2
21	0	5	1	1	3
9	4	2	0	0	2
57	**8**	**25**	**13**	**4**	**12**
9	**1**	**3**	**3**	**2**	**2**
2	**0**	**1**	**0**	**0**	**1**

[5] **Resolved:** We have deemed the complaint to be completely or largely resolved. Examples: a formal recommendation was accepted, the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

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Note: A complaint closed as other may be part of a multiple complaint that spans more than one category.

Complaints Received		Departments
2007	2006	
2	3	**Property Management**
0	1	**Regional Economic and Co-operative Development**
2	5	**Saskatchewan Institute of Applied Science and Technology (SIAST)**
		Boards
4	11	**Highway Traffic Board**
0	4	**Labour Relations Board**
0	2	**Lands Appeal Board**
0	1	**Milk Control Board**
1	0	**Public and Private Rights Board**
		Regional Health Authorities
13	17	Regina Qu'Appelle Regional Health Authority
7	13	Saskatoon Regional Health Authority
14	40	Other Regional Health Authorities
34	**70**	**Totals - Regional Health Authorities**
0	1	**Saskatchewan Human Rights Tribunal**
8	7	**Social Services Appeal Board**
1	0	**Surface Rights Arbitration Board**
109	128	**Workers' Compensation Board**

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Complaints Closed in 2007

Initial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Other [7]
1	0	1	0	0	0
0	0	0	0	0	1
1	0	0	0	1	1
1	2	2	3	1	2
0	0	0	0	1	0
0	0	0	0	0	0
0	0	2	0	0	0
1	0	0	0	0	0
10	0	2	1	0	1
3	0	0	1	1	3
10	1	1	2	3	3
23	1	3	4	4	7
0	0	0	0	0	0
1	0	1	4	2	4
0	0	1	0	0	0
91	8	13	2	10	8

[5] **Resolved:** We have deemed the complaint to be completely or largely resolved. Examples: a formal recommendation was accepted, the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

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Note: A complaint closed as other may be part of a multiple complaint that spans more than one category.

Complaints Received		Crown Corporations
2007	2006	
1	1	**Agricultural Credit Corporation of Saskatchewan**
0	0	**Crown Investments Corporation of Saskatchewan**
6	0	**Information Services Corporation**
4	2	**Liquor and Gaming Authority**
7	11	**Saskatchewan Crop Insurance Corporation**
2	1	**Saskatchewan Gaming Corporation**
		Saskatchewan Government Insurance (SGI)
38	36	Auto Fund
72	86	Claims Division - Auto Claims
60	56	Claims Division - No Fault Insurance Protection (NFIP)
16	23	Claims Division - Other / SGI Canada
14	24	SGI - Other
200	**225**	**Totals - SGI**
1	0	**Saskatchewan Grain Car Corporation**
1	1	**Saskatchewan Municipal Board**
4	8	**Saskatchewan Watershed Authority**
59	59	**SaskEnergy**
83	116	**SaskPower**
37	54	**SaskTel**

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Complaints Closed in 2007

Initial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Other [7]
0	**0**	**0**	**0**	**0**	**0**
0	**0**	**0**	**10**	**0**	**0**
5	**1**	**0**	**0**	**0**	**0**
3	**0**	**0**	**0**	**0**	**1**
4	**0**	**0**	**1**	**7**	**0**
2	**0**	**0**	**0**	**0**	**1**
25	5	8	4	3	0
44	6	17	7	8	5
40	5	9	3	4	2
13	0	3	1	2	2
10	1	0	1	1	0
132	**17**	**37**	**16**	**18**	**9**
1	**0**	**0**	**0**	**0**	**0**
0	**0**	**0**	**0**	**0**	**0**
2	**0**	**0**	**1**	**2**	**1**
25	**2**	**16**	**12**	**2**	**7**
34	**4**	**15**	**12**	**11**	**11**
16	**2**	**10**	**7**	**4**	**1**

[5]**Resolved:** We have deemed the complaint to be completely or largely resolved. Examples: a formal recommendation was accepted, the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

Note: A complaint closed as *resolved* may be part of a multiple complaint that spans more than one category.

[6]**Not Resolved:** The complaint has not been resolved. Examples: the complainant's situation is not significantly better and they remain dissatisfied with the government's decision or action, a formal recommendation was rejected or there was no appropriate remedy available.

Note: A complaint closed as *not resolved* may be part of a multiple complaint that spans more than one category.

[7]**Other:** Our office or the complainant has chosen to withdraw or discontinue the complaint. This includes situations where we find, after some involvement, that the complaint is outside our jurisdiction.

Note: A complaint closed as other may be part of a multiple complaint that spans more than one category.

Complaints Received		Commissions
2007	2006	
1	1	Apprenticeship and Trades Certification Commission
1	5	Automobile Injury Appeal Commission
2	5	Public Service Commission
1	4	Saskatchewan Financial Services Commission
9	9	Saskatchewan Human Rights Commission
26	33	Saskatchewan Legal Aid Commission
4	4	Saskatchewan Public Complaints Commission
		Agencies
0	1	Agriculture Development Fund
0	1	Funeral and Cremation Services Council
2	2	Saskatchewan Assessment Management Agency (SAMA)
0	2	Saskatchewan Cancer Agency
2,119	2,533	TOTALS - All Categories

[1]**Complaints Received:** The number of complaints received from January 1 to December 31. These complaints are considered within jurisdiction, although a very small number of them may later be determined not to be.

[2]**Initial Support:** Our office provided initial support for these complaints. For example, we may have linked the complainant to a more appropriate step - perhaps an appeal process not yet tried, an advocacy service, or an internal complaints process. We also encourage people to bring their complaint back to our office if they still feel there is an unfairness after they have tried all the appeal routes available.

[3]**Referral Assistance:** These complaints are mainly ones where, after beginning a negotiation, mediation or investigation process, we have referred the complainant to an appeal route they have not yet tried or a more appropriate remedy.

Note: A complaint closed as *referral assistance* may be part of a multiple complaint that spans more than one category.

[4]**Situation Improved:** The complainant may not consider the complaint to be completely resolved, but the situation has improved - perhaps for them and perhaps also for others who may encounter a similar situation.

Note: A complaint closed as *situation improved* may be part of a multiple complaint that spans more than one category.

Complaints Closed in 2007

Initial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Other [7]
1	0	0	0	0	0
0	0	0	0	1	0
1	2	0	0	0	0
0	0	0	0	0	0
6	1	0	0	0	3
17	0	3	1	2	3
2	2	0	0	0	1
0	0	0	0	0	0
0	0	0	0	0	0
0	1	1	0	0	0
0	1	0	0	0	0
1,219	**137**	**347**	**283**	**143**	**187**

[5]**Resolved:** We have deemed the complaint to be completely or largely resolved. Examples: a formal recommendation was accepted, the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

Note: A complaint closed as *resolved* may be part of a multiple complaint that spans more than one category.

[6]**Not Resolved:** The complaint has not been resolved. Examples: the complainant's situation is not significantly better and they remain dissatisfied with the government's decision or action, a formal recommendation was rejected or there was no appropriate remedy available.

Note: A complaint closed as *not resolved* may be part of a multiple complaint that spans more than one category.

[7]**Other:** Our office or the complainant has chosen to withdraw or discontinue the complaint. This includes situations where we find, after some involvement, that the complaint is outside our jurisdiction.

Note: A complaint closed as other may be part of a multiple complaint that spans more than one category.

Budget

Our budget remained relatively unchanged from 2006-2007 to 2007-2008. Changes that did occur were due to incremental salary increases and expanded activities in the north.

	2005-2006	2006-2007	2007-2008
Salaries	$1,292,000	$1,442,000	$1,529,000
Other Expenses	$374,000	$374,000	$406,000
Total	$1,666,000	$1,816,000	$1,935,000

promoting **fairness**